



General Assembly

Amendment

February Session, 2018

LCO No. 4742



Offered by:

SEN. BYE, 5th Dist.

REP. HADDAD, 54th Dist.

To: Subst. Senate Bill No. **352**

File No. 220

Cal. No. 145

***"AN ACT EXTENDING THE MORATORIUM ON APPROVAL OF
PROGRAMS OF INDEPENDENT INSTITUTIONS OF HIGHER
EDUCATION."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (l) of section 10a-34 of the 2018 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2018*):

6 (l) Notwithstanding the provisions of subsections (b) to (j),
7 inclusive, of this section and subject to the authority of the State Board
8 of Education to regulate teacher education programs, up to twelve new
9 programs of higher learning in any academic year and any program
10 modifications proposed by an independent institution of higher
11 education, as defined in section 10a-173, shall not be subject to
12 approval by the Office of Higher Education, until July 1, [2018] 2021, or
13 the adoption of regulations that provide exemptions from program

14 approval by the office pursuant to subsection (b) of section 10a-34, as
15 amended by this act, whichever is earlier, provided (1) the institution
16 maintains eligibility to participate in financial aid programs governed
17 by Title IV, Part B of the Higher Education Act of 1965, as amended
18 from time to time, (2) the United States Department of Education has
19 not determined that the institution has a financial responsibility score
20 that is less than 1.5 for the most recent fiscal year for which the data
21 necessary for determining the score is available, and (3) the institution
22 has been located in the state and accredited as a degree-granting
23 institution in good standing for ten years or more by a regional
24 accrediting association recognized by the Secretary of the United States
25 Department of Education and maintains such accreditation status. An
26 institution shall submit an application for approval of any new
27 program of higher learning in excess of twelve new programs in any
28 academic year. All institutions that are exempt from program approval
29 by the Office of Higher Education under this subsection shall file with
30 [said] the office not later than July first, and annually thereafter, (A) a
31 list and brief description of any new programs of higher learning
32 introduced by the institution in the preceding academic year and any
33 existing programs of higher learning discontinued by the institution in
34 the preceding academic year, (B) the institution's current program
35 approval process and all actions of the governing board concerning
36 approval of any new programs of higher learning, and (C) the
37 institution's financial responsibility composite score, as determined by
38 the United States Department of Education, for the most recent fiscal
39 year for which the data necessary for determining the score is
40 available.

41 Sec. 2. Subsection (b) of section 10a-34 of the 2018 supplement to the
42 general statutes is repealed and the following is substituted in lieu
43 thereof (*Effective July 1, 2018*):

44 (b) (1) The Office of Higher Education shall [establish] adopt
45 regulations, in accordance with chapter 54, concerning the
46 requirements for licensure and accreditation. [, such] Such regulations
47 [to] shall concern administration, finance, faculty, curricula, library,

48 student admission and graduation, plant and equipment, records,
49 catalogs, program announcements and any other criteria pertinent
50 thereto, as well as the periods for which licensure and accreditation
51 may be granted, and the costs and procedures of evaluations as
52 provided in subsections (c), (d) and (i) of this section.

53 (2) Not later than January 1, 2020, said office shall adopt regulations,
54 in accordance with chapter 54, streamlining the process for approval of
55 new programs of higher learning or program modifications in
56 compliance with any applicable best practice standards. Such
57 regulations shall establish performance-based programmatic standards
58 to be used to exempt independent institutions of higher education, as
59 defined in section 10a-173, from the requirement that any new
60 programs of higher learning or program modifications proposed by
61 such institutions be approved by the office. The performance-based
62 programmatic standards may include, but need not be limited to, (A)
63 student graduation rates of the institution, (B) student loan default
64 rates of students enrolled at the institution, (C) rates of employment of
65 graduates of the institution, or (D) any other performance-based
66 measures that the office deems necessary.

67 (3) Said office shall establish academic review commissions to hear
68 each appeal of a denial by said office of an application by an institution
69 of higher education for licensure or accreditation of a program of
70 higher learning or institution of higher education. For each individual
71 appeal, the executive director of said office, or the executive director's
72 designee, shall select a commission that is comprised of four higher
73 education representatives and five business and industry
74 representatives chosen from a panel of thirty-five members, who shall
75 be appointed as follows: [(1)] (A) The Governor shall appoint five
76 members; [(2)] (B) the speaker of the House of Representatives shall
77 appoint five members; [(3)] (C) the president pro tempore of the Senate
78 shall appoint five members; [(4)] (D) the majority leader of the House
79 of Representatives shall appoint five members; [(5)] (E) the majority
80 leader of the Senate shall appoint five members; [(6)] (F) the minority
81 leader of the House of Representatives shall appoint five members;

82 and [(7)] (G) the minority leader of the Senate shall appoint five
83 members. The executive director of said office, or the executive
84 director's designee, shall ensure that each commission contains at least
85 one member appointed by each of the appointing authorities. Each
86 appointing authority shall select both higher education representatives
87 and business and industry representatives, but not more than three
88 from either category of representatives."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	10a-34(l)
Sec. 2	<i>July 1, 2018</i>	10a-34(b)